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January 18, 2015

**VIA ECF AND FAX**

Hon. George B. Daniels  
United States District Judge  
United States District Court  
for the Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

Re: *Sokolow, et al. v. Palestine Liberation Organization, et al.* Docket No. 04-CV-397 (GBD)(RLE)

Dear Judge Daniels:

I write in further support of plaintiffs' requested admission of twenty exhibits consisting of excerpts from police magazines published by the PA and distributed to its police and security forces. DE 724. The four magazines at issue are *Al Shurta* ("the Police"), *Al Shuhada* ("The Martyrs"), *Humat al-Areen* ("Protectors of the Lion's Den") and *Watani* ("My Fatherland"). Defendants have admitted that *Watani* is published by the PA. Despite all evidence to the contrary, defendants now claim that *Al Shurta*, *Al Shuhada*, and *Humat-al-Areen* are not PA or PLO publications. *See* Tr. 1/12/15 at 82:8-11.

During the conference on January 12, the Court stated that "there is some relevance about heightened rhetoric that they claim that is by the PLO or the PA that they claim is urging people to commit violence. I got to concede there is some relevance to that." 1/12/15 Tr. at 158:22-25. The Court further stated that if plaintiffs have evidence that the magazines are published by the PA or PLO, the exhibits are admissible: "[T]o the extent that they say they have evidence that it is produced by the PLO. Obviously if they have such evidence, they're allowed to offer it and you're allowed to offer evidence that contradicts that." *Id.* at 82:12-19. The Court reiterated its position on January 16: "To the extent there is no dispute that it is a PA or PLO publication, it can go in. To the extent that there is a dispute that it is one of their publications, then you are going to have to put some evidence before the jury that convinces me and them that it is such a publication of theirs....If you lay the minimum foundation indicating that this is generated by the PA to be a statement attributed to the PA or the PLO, then that is the foundation." 1/16/15 Tr. at 683:13-22.

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As an initial matter, the magazines are clearly self-authenticating under Rule 902(6). As Judge Weinstein says: “In the case of newspapers and periodicals, there is good reason not to require any further evidence of authenticity. The realities of the publishing world make forgery highly un-likely.” 1-8 Weinstein’s Evidence Manual § 8.02.

In any event, plaintiffs have evidence that the magazines are defendants’ own publications. First, plaintiffs’ expert witness, Israel Shrenzel, discusses the magazines at length in his expert report. In that report, Mr. Shrenzel describes how the PA and the PLO formed the “Political Guidance” Apparatus for the purpose of “directing the security forces,” and that this apparatus published the magazines at issue here. Shrenzel Rep. 11-15. In addition to Mr. Shrenzel’s opinion—based on his extensive professional experience analyzing PA and PLO documents—that the magazines are published by the defendants, the following demonstrates that the magazines are the defendants’ own publications:

- ***Al Shuhada*:**
  - *Al Shuhada* editions state that the magazine is a “Monthly Bulletin Published by Political Guidance for the Border-Region Forces.” *See, e.g.*, Pls. Ex. 203. PASSIA, a directory of PA and PLO personnel, lists the Political Guidance Commission as a PA Council and Commission. Pls. Ex. 171 at 04:000095-96. PASSIA also lists the “Border Police” and the “Border Crossings” as two “Police and Security” units. *Id.* at 04:000096.
  - The editor is Ahmad Ibrahim Hilles, Political Commissioner for the Border-Region Forces. *See, e.g.*, Pls. Ex. 203. Our expert has confirmed that he is a PA security employee.
  - The person responsible for Production and Coordination is Major Ra’id Miqdad. *See id.* Our expert has confirmed that he is also an employee of the Palestinian Authority.
  - The Editorial Board consists of ranked military officers: Lt. Colonel Muhammad Jarada, Captain Muhammad Abu Hajras, and First Lieutenant ‘Atif Al-Qutati. *See, e.g., id.*

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- The National Library of Israel lists the author of *Al Shuhada* as “The Palestinian National Authority, The Border Region Forces,” and the publisher as “Gaza: The Political Guidance of the Border Regions.” Ex. A.
- ***Al Shurta:***
  - The first page of the magazine contains the seal of the Palestinian National Authority, and a photograph of Arafat and the Police Force Commander standing at attention and saluting. *See, e.g.*, Pls. Ex. 175.
  - The magazine states that it is “published by the Palestinian Police Command” and the address is listed as the “General Command of the Police—Gaza.” *See, e.g.*, Pls. Ex. 175.
  - The name of the Police Force Commander, Ghazi al-Jibali is identified as the person in charge of the newspaper. *See, e.g.*, Pls. Ex. 175. Our expert has confirmed that he is a PA security employee.
  - The National Library of Israel lists the author of *Majallat al-Shurta* as “The Palestinian National Authority, The Police” and the publisher as “Gaza: The General Commission of the Police, The Political and Moral Guidance Directorate.” Ex. A.
- ***Humat al-Areen:***
  - Editions of the magazine contain the Force 17 logo and state that the newspaper is published by the Political Guidance of the Presidential Guard, Force 17.
  - The Editor-in-Chief and General Supervisor of the magazine is Colonel Fakhri Abu Al-Fawakhir, Director General of Political Guidance and General Inspection for Presidential Guard, Force 17. *See, e.g.*, Pls. Ex. 966.

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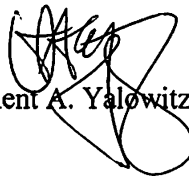
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- The National Library of Israel lists the author of *Humat al-Areen* as “The Palestinian National Authority, Force 17” and the publisher as “Gaza: The General Commission of Force 17, the Presidential Guard.” Ex. A.

The Court may consider this evidence pursuant to Federal Rule of Evidence 104 and plaintiffs’ expert may rely on it. In candor, plaintiffs were shocked to learn earlier this week that defendants contest that these magazines are their own publications when all evidence points to the contrary, and plaintiffs should not be prejudiced by defendants’ disingenuous position.

Respectfully,



Kent A. Yalowitz

cc: All ECF Counsel